

ORIGINAL

COPYRIGHT ROYALTY JUDGES  
WASH. D.C.

PG 1 of 5

DETERMINATION OF ROYALTY RATES  
AND TERMS FOR TRANSMISSION OF  
SOUND RECORDING BY SATELLITE  
RADIO & PREEXISTING SUBSCRIPTION  
SERVICES (SDARS III)

DOCKET NO. 16-CRB-  
0001SR/PSSR  
(2018-2022)  
Received

JUL 08 2016

Copyright Royalty Board

OBJECTION FOR MOTION TO DISMISS CLAIM W/  
A COUNTERMAND VERIFIED MOTION TO VACATE &  
OTHER SUA SPONTE OMNIBUS MOTION ORDERED FOR  
EXTRA ORDINARY CIRCUMSTANCES EX-PARTE

I PRO SE DAVID POWELL COUNTERMAND  
VERIFIED MOTION AND MANIFEST REVERSIBLE ERROR  
OBJECTION 6.24.16 TO DISMISS PARTICIPATION.  
DUE TO MR. POWELL ONGOING EXTRA ORDINARY  
CIRCUMSTANCES AS GUARDIAN MEDICAL EMERGENCY  
FR. JUNE 5, 2016 AND CURRENTLY, JULY 7, 2016 ONGOING.  
SHOWN CAUSATION EXISTED FOR PERIOD MENTION  
FOR SUA SPONTE COUNTERMAND REVOCATION VACATED  
ORDERED FOR THE FOLLOWING CIRCUMSTANCES:  
AS GUARDIAN TO 69 YEAR OLD LINDA COURCIER WHO  
TWO MEDICAL EMERGENCY'S DURING THIS PERIOD OF  
TIME. REQUIRED HOSPITAL STAYS BASED ON  
EPILEPSY CONDITION W/ EPILEPTIC SEIZURES. THIS LED  
TO MR. POWELL UNAVAILABILITY TO REPLY ON TIME. AN  
HIS IMMEDIATE ATTENTION TO MS. COURCIER MEDICAL  
NEEDS & HOME CARE ARRANGEMENT BOTH TIMES TO  
RECUPERATE. DURING THIS PERIOD ALSO MR. POWELL  
AN VETERAN ON 100% MEDICAL DISABILITY. HAD A  
MEDICAL CRISIS OF HIS OWN TO ATTEND TOO AT 57  
YEAR OLD CHRONIC STENOSIS. MISSING EVIDENCE  
RULE PROVED UP BY PRO SE EXHIBITA.

THUS INCIDENTS PROVED UP UNAVOIDABLE PROXIMATE CAUSE WAS AN GOOD CAUSE SHOWN. SECONDLY, TO INFORM ROYALTY JUDGES OF PRO SE ENGAGEMENT SLIP CURRENTLY W/ANOTHER TWO PROCEEDINGS W/OVER 10 LAWYER PARTICIPANTS: DKT. NO. 16-CRB-0003 PR(2018-2022); 16-CRB-0002-PBR(2018-2022) VOLUNTARY NEGOTIATIONS.

THIRGLY, LEGAL PREJUDICE CONDITION SHOWN BY SOUND EXCHANGE A CLASS-BASED ANIMUS ZONE OF INTEREST STANDING. PRO SE REBUTLE PRESUMPTION OF A PRIMA FACIE CASE W/AN ESSENTIAL ELEMENT OF A CIVIL-RIGHTS CONSPIRACY AS A HARD LOOK DOCTRINE. IN ADDITION, MANIFEST REVERSIBLE ERROR OBJECTION FOR MOTION TO DISMISS & JOINT MOTION TO ADOPT PROTECTIVE ORDER SETTLEMENT DATED JUNE 7, 2016 & ALL OTHERS KNOWN & UNKNOWN DATES.

CAUSE OF ACTION PRO SE COUNTER AFFIDAVIT DECLARATION IN CHIEF IN ALL PROCEEDINGS. BASED ON GROUNDS FOR PRO SE AN ASSERTED COMPULSORY COUNTERCLAIM OF A SIGNIFICANT INTEREST. A MATTER OF RECORD OWNERSHIP OF TITLE'S I-INFINITY ESP. 17 OUTRIGHT SPOILIATION ACTIVE CONCEALMENT SMOKING GUN PROVED UP. MR. POWELL HAS AN VESTED RIGHT BURSTING BUBBLE THEORY SIGNIFICANT INTEREST SUBSTANTIATED AS A LICENSEE, LICENSOR & OR ARTIST SUBMISSION TO A SPECIAL FINDING. EXH. A

AN NONDISCLOSURE OF A PREEXISTING ULTIMATE FACTS FOR BEARANCE NONFEASANCE BY SOUND EXCHANGE AND SETTLEING PARTIES TO SETTLE UP. IMMEDIATE BREACH INJURY IN FACT BAD MOTIVES REDRESS, SUA SPONTE MONEY DEMAND EXIGENT.

DUE TO NECESSARY IMPLICATION TO MISLEAD ROYALTY JUDGES DISCRETION TOWARDS UNLAWFUL CONDITIONS. TO IMPINGE ON MR. POWELL VESTED RIGHTS. DIRECT INJURY W/ INTENT TO EVADE THE LAW. DUE TO MR. POWELL HAVE CONTRADICTED SOUND EXCHANGE BY CREDIBLE EVIDENCE. SOUND EXCHANGE VERACITY CALLED INTO QUESTION W/ EQUITABLE ESTOPPEL, MISSING EVIDENCE RULE UNFAVORABLE.

RATES & TERMS CAN NOT BE MADE W/O ADDRESSING THE OWNER OF THE TITLE'S MR. POWELL VESTED RIGHTS. SUA SPONTE MOTION APPROVAL ADOPTED. 02 CENT £ OR 25% WHICH EVER IS GREATER OF THE STATUTORY RATES & TERMS 2018-2022. PRO SE MOTION EXIGENT MONEY DEMAND PAYMENT NOW, FUTURE, & PAST ARREARS. FOR DAVID POWELL BONUS & OR ROYALTY PAYMENTS OF 1 MILL. FROM ALL PARTICIPANTS & 2 MILLION FROM SOUND EXCHANGE. FOR MR. POWELL COMPULSORY LICENSE & THIRD PARTY STANDING VIRTUAL REPRESENTATION UPFRONT FEES FOR INESCAPABLE PERIL IN THIS PROCEEDINGS AS A MATTER OF RECORDS.

NONFEASANCE IS PREEXISTING & ADMIN. AGENCY IS DUTY BOUND TO CURE, OR AN APPEARANCE CRIME OF OMISSION, FAILURE TO ACT, FORBEARANCE STILL EXISTED. AS SOUND EXCHANGE & SETTLING PARTIES INFRINGER WILLFUL INFRINGEMENT, CONTRIBUTORY INFRINGEMENT, & COPYRIGHT INFRINGEMENT ONGOING.

PRO SE OMNIBUS MOTIONS & ORDERED IN-LIMINE IN NUBIBUS LAW INFRINGER(S). PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHTED BY THE DANGER OF UNFAIR PREJUDICE TOWARDS MR. POWELL SUA SPONTE. ESP. PREEXISTING SUBSCRIPTION SVC. FEES.

MAIL & WIRE FRAUD TO GAIN UNFAIR ADVANTAGE  
IN PROCEEDINGS. ON THE BASIS GROUNDS NO HOME  
COMPUTER TO REC'D TIMELY EMAILS & POSTAL  
EMPLOYEES DELAYING OR HOLDING MAIL DELIVERY  
OF LAWYERS REPLY TO P.O. BOX IN ACCOMPLICE  
LIABILITY COMPLICITY. A PREDICATED PATTERN  
MALICIOUS ACTS OF ECONOMIC DURESS, HARDSHIP & FORCE  
PRO SE MR. POWELL IN ESCAPABLE PERIL. ESPECIALLY  
SUBSCRIPTION SERVICE FEES PAID TO MR. POWELL EXIGENT, 10 MILL.

LASTY AN SUGGESTION OF ERROR OBJECTION  
EX-PARTE SUA SPONTE COUNTERMAND VACATED ON  
6.24.16 ORDERED & OR REHEARING (SEE EXHIBIT A).  
PRO SE OFFERED PROOF OF A VALID COMPELLING  
CIRCUMSTANCES PROVED UP. PRO SE MOTION SUA  
SPONTE FOR FAMILY LEAVE EMERGENCY APPROVAL  
45 DAYS TO ATTEND TO FAMILY EMERGENCIES.

IF ALL MOTIONS DENIED PRO SE MOTIONS FOR  
NOTICE OF ALT APPEAL 5 USCA 5 556(e). BASED ON MANIFEST  
REVERSIBLE ERROR OBJECTION HARD LOOK DOCTRINE  
DE NOVA JUDICIAL REVIEW. THANK YOU

EXHIBIT A  
PG 51-3 ENCLOSED

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FR: DAVID POWELL  
David Powell  
P.O. BOX 010950  
ITHACA, FL 33101  
305 539-1755

CC: 7 COPIES ENCLOSED  
© COPYRIGHT 2016  
EXCLUSIVE RIGHTS  
INTELLECTUAL PROPERTY

CERTIFICATE OF SERVICE EX-PARTE TO:  
COPYRIGHT ROYALTY JUDGES & PUT ONLINE  
FOR ALL SETTLING PARTIES VIEWING.  
PRO SE HEREBY CERTIFY EXPRESSED  
MAIL ON 7.7.16 SENT

© COPYRIGHT 2016

FR: DAVID POWELL  
David Powell PRO SE

EXHIBIT A



# Notice of Use of Sound Recordings under Statutory License

United States Copyright Office

PLS RETURN COPY  
STAMP DATED REG'D

LICENSING DIVISION

MAR 10 2014

RECEIVED

In accordance with 37 CFR 270.1, the transmission service named below hereby files with the Library of Congress, Copyright Office, a notice stating the service's intention to use the statutory license under sections 112(e) or 114(d)(2), or both, of title 17 of the United States Code, as amended by Public Law 104-39, 109 Stat. 336, and Public Law 105-304, 112 Stat. 2860.

Please enclose a check or money order for the \$20 nonrefundable filing fee, payable to "Register of Copyrights". Mail to:

**Check, if applicable:**

☐ Amended filing

Copyright Arbitration Royalty Panel  
ATTN: Licensing Division  
P.O. Box 70977  
Southwest Station  
Washington, D.C. 20024-0400

Please type or print the requested information for each item. If this is an amended filing, please indicate which item contains new information by checking the new information box to the left of that item.

**New Information**

- ☒ 1 Name of service CIRCLE God NETWORK INC  
☒ 2 Mailing address P.O. BOX 010950 MIAMI, FL 33101  
☒ 3 Telephone no. 305 539-1755  
☐ 4 Fax no. \_\_\_\_\_  
☒ 5 Website address of service http://DAVID POWELL DDB@YAHOO.COM

NOTE: A post office box is acceptable if it is the only address that can be used in that geographic location.

NOTE: Information must be provided on how to gain access to the online website or home page of the service, or where information may be posted under the regulations concerning the use of sound recordings.

- ☒ 6 Nature of license and category of service: (Check all that apply)
- a Statutory license for digital transmissions, 17 U.S.C. § 114(d)(2)
- ☒ Preexisting subscription service ☒ Eligible non-subscription transmission service  
☒ Preexisting satellite digital audio radio service ☒ New subscription service
- b Statutory license for making ephemeral phonorecords, 17 U.S.C. § 112(e)
- ☒ Preexisting subscription service ☒ Eligible non-subscription transmission service  
☒ Preexisting satellite digital audio radio service ☒ New subscription service  
☒ A business establishment making ephemeral phonorecords in furtherance of an exempt digital transmission pursuant to 17 U.S.C. § 114(d)(1)(C)(iv)
- ☒ 7 Date or expected date of
- a Initial digital transmission of a sound recording JAN. 1, 2000  
b Initial use of the section 112(e) license for the purpose of making ephemeral recordings of sound recordings JAN. 1, 2000
- ☒ 8 Officer or authorized representative of service
- a Name DAVID POWELL  
b Title CHTM  
c Date 1-27-2014  
d Signature David Powell  
e Email address DAVID POWELL DDB@YAHOO.COM

NOTE: The date of filing will be the date when the notice and fee are both received in the Copyright Office.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

LINDA LYNN COURCIER

Ward

PROBATE DIVISION

Case No. 11-3233 GD 03

ATTORNEY OF RECORD SHALL  
FILE RECEIPT OF ASSETS BY  
RESTRICTED DEPOSITORIES  
WITHIN 30 DAYS OF ISSUANCE  
OF LETTERS.

**LETTERS OF PLENARY GUARDIANSHIP  
OF THE PERSON AND PROPERTY OF LINDA LYNN COURCIER**

TO WHOM IT MAY CONCERN:

WHEREAS, DAVID CALVIN POWELL JR. LINDA LYNN COURCIER has been appointed plenary guardian of the property of LINDA LYNN COURCIER (the Ward), and has taken the prescribed oath and performed all other acts prerequisite to issuance of plenary letters of guardianship of the person and property of the Ward,

NOW THEREFORE I, the undersigned judge of the Eleventh Judicial Circuit, County of Miami-Dade, Florida, do hereby certify that the within and foregoing is a true and correct copy of the original as it appears on the State of Florida to act as plenary guardian of the person and property of LINDA LYNN COURCIER, with full power and authority to have the care, custody, and control of the Ward, to exercise all delegable legal rights and powers of the Ward, to administer the estate of said Ward according to law, and to take possession of and to hold for the benefit of the Ward, all the property of the Ward and the rents, income, issues, and profits from it.

The guardian shall not exercise any authority over any health care surrogate appointed by any valid advance directive executed by the Ward pursuant to Chapter 765, Florida Statutes, until further order of this court.

ORDERED at Miami, Florida this January 23, 2012.

*Maria M. Korvick*  
CIRCUIT JUDGE

Judge Maria M. Korvick

THE GUARDIAN OF THE PROPERTY SHALL PLACE  
LIQUID ASSETS IN A DEPOSITORY DESIGNATED BY  
THE COURT PURSUANT TO THE F.S. 69.031

THIS IS A FROZEN ACCOUNT WHICH  
MEANS THAT NO FUNDS CAN BE  
WITHDRAWN WITHOUT ORDER OF  
COURT.

**NO SALE OF ANY ASSETS  
WITHOUT SPECIAL ORDER  
OF COURT**

INITIAL GUARDIANSHIP  
REPORT SHALL BE FILED  
IN 90 DAYS

IN THE EVENT FLORIDA REAL ESTATE  
IS SOLD, THE NET PROCEEDS OF SALE  
SHALL BE DEPOSITED IN A COURT  
ORDERED DEPOSITORY PER F.S. 69.031

2012 JAN 23 AM 10:16  
FILED FOR RECORD



THESE LETTERS DO NOT AUTHORIZE  
ENTRY INTO ANY SAFE DEPOSIT BOX  
WITHOUT FURTHER ORDER OF COURT

THESE LETTERS DO NOT AUTHORIZE  
THE SALE, ENCUMBRANCE OR  
BORROWING OF ANY ASSETS WITHOUT  
SPECIAL ORDER OF THE COURT



US Department of Veterans Affairs  
Foreign Medical Program  
PO BOX 469061  
Denver CO 80246-9061  
USA

August 12, 2015

BENEFITS AUTHORIZATION

Name: DAVID C POWELL

Address: PO BOX 010950  
MIAMI, FL 33101

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VA ADJUDICATED SERVICE-CONNECTED CONDITIONS

THORACIC SPONDYLOSIS  
DEGENERATIVE ARTHRITIS/CERVICAL SPINE  
LEFT C6 RADICULOPATHY

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Covered Benefits: Subject to the limitations identified below and in the FMP Benefits Guide (October 1999), this authorizes the above veteran to receive necessary medical services for the treatment of the listed service-connected condition(s).

General Exclusions: Services that are not directly related to the treatment of the above listed condition(s) are excluded from benefit coverage. Also excluded are services that are not accepted by VA and/or the US medical community such as the US Food and Drug Administration (FDA) and the American Medical Association (AMA), and non-acute institutional care such as long-term inpatient psychiatric care and nursing home care. See the FMP Benefits Guide for additional details.

Liability: The veteran is responsible for payment for the cost of all noncovered services.

Filing Claims: Claims for payment of FMP benefits may be submitted either by the veteran/fiduciary or the provider of services. Regardless, all claims are to be submitted directly to the FMP Office and must include the provider's itemized billing statement and related medical documentation. Significant processing delays can be avoided by having your provider generate the billing statement in English. See the FMP Benefits Guide for additional claim filing requirements.

Inquiries: Assistance may be obtained at the above address or by telephone at (303) 331-7590 during the hours of 7:30 a.m. to 4:00 p.m. (Mountain Time Zone). Facsimiles (FAXs) may be sent to (303) 331-7803.